

Serial No. 09/613,389

May 10, 2004

Reply to the Office Action dated April 22, 2004

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REMARKS/ARGUMENTS

Claims 2-12 are pending in this application.

Claims 2-8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura (U.S. 5,802,196) in view of Nakamura (U.S. 6,590,992).

Applicant encloses a Declaration under 37 C.F.R. § 1.130 which indicates that Nakamura (U.S. 6,590,992) and the present application were, at the time the invention was made, commonly owned by the same company. Since Nakamura (U.S. 6,590,992) qualifies as prior art under 37 C.F.R. § 102(e)/103, Applicant respectfully submits that Nakamura (U.S. 6,590,992) is disqualified as prior art in the present application by the enclosed Declaration under 37 C.F.R. § 1.130. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-8 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura (U.S. 5,802,196) in view of Nakamura (U.S. 6,590,992).

In view of the foregoing remarks and the Declaration under 37 C.F.R. § 1.130, Applicant respectfully submits that claim 2 is allowable. Claims 3-12 depend upon claim 2 and are therefore allowable for at least the reasons that claim 2 is allowable.

In view of the remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: May 10, 2004


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MAY 10 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to
Group Art Unit 2644, 703-872-9300, addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

Date: May 10, 2004


Christopher A. Bennett

OFFICIAL

**PATENT
36856.324**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takaei KIHARA

Serial No.: 09/613,389

Filed: July 11, 2000

Title: LOUDSPEAKER

Art. Unit: 2644


Examiner: B. Pendleton

DECLARATION UNDER 37 C.F.R. § 1.130

Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby declare that that the subject matter of U.S. Patent No. 6,590,992, and the present claimed invention were, at the time the invention was made, owned by the same company or subject to an obligation of assignment to the same company.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


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